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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,750	11/25/2003	Atsushi Watanabe	392.1842	2777
21171	7590	10/06/2005	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			PHAM, THOMAS K	
			ART UNIT	PAPER NUMBER
			2121	
DATE MAILED: 10/06/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/720,750	WATANABE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thomas K. Pham	2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 25 November 2003.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-11 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 6-8 and 11 is/are allowed.  
 6) Claim(s) 1-5,9 and 10 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 25 November 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

**First Action on the Merits**

1. Claims 1-11 of U.S. Application 10/720,750 filed on 11/25/2003 are presented for examination.

**Quotations of U.S. Code Title 35**

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

### **Claim Rejections - 35 USC § 102**

6. Claims 1-5 and 9-10 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,678,714 (“Olapurath”).

#### **Regarding claim 1**

Olapurath teaches a production cell comprising

- a plurality of work performing elements for performing work (see FIG. 1 and col. 2 lines 57-62, “Fulfiller 1060”), and an information processing device for commanding work tasks (see FIG. 1 “task server 1010” and col. 3 lines 4-7), connected to the respective work performing elements by communications means (see FIG. 1 “communication link 1020” and col. 2 lines 63-67);
- wherein said information processing device outputs a command consisting of a set of task units assigned with an execution sequence, to each of the work performing elements (see col. 7 lines 54-58); and
- the work performing elements each store operating programs for respectively executing one or more task units (see col. 6 lines 16-21), and perform work by executing the operating programs in the order of the execution sequence, on the basis of the set of task units with an assigned execution sequence output by said information processing device (see col. 4 lines 55-67).

#### **Regarding claim 2**

Olapurath teaches wherein the management of the task unit to be executed next is performed by the information processing device, each time the work in one task unit is completed (see col. 7 lines 43-53).

**Regarding claim 3**

Olapurath teaches wherein the management of the task unit to be executed next is performed by communications between the work performing elements, each time the work in one task unit is completed (see col. 4 line 66 to col. 5 line 4).

**Regarding claim 4**

Olapurath teaches comprising two or more work performing elements capable of performing the work of the same task unit, wherein the work performing element to carry out the work of said same task unit is determined by said information processing device (see col. 7 lines 14-19).

**Regarding claim 5**

Olapurath teaches two or more work performing elements capable of performing the work of the same task unit, wherein the work performing element to carry out the work of said same task unit is determined by communications between the work performing elements, in accordance with a previously determined priority order (see col. 7 lines 46-53).

**Regarding claim 9**

Olapurath teaches a new work command can be received and work tasks corresponding to said new work command can be executed, while executing work tasks corresponding to another work command already received (see col. 7 line 66 to col. 8 line 5).

**Regarding claim 10**

Olapurath teaches the types of said work commands are determined by the types of workpiece that are to be processed (see col. 10 lines 33-60).

***Allowable Subject Matter***

7. Claims 6-8 and 11 are allowed.

8. The following is a statement of reasons for the indication of allowable subject matter:

While Olapurath (U.S. Patent No. 6,678,714) discloses a computer-implemented task management system includes a task server linking at least one task definer, at least one task requester, and at least one task fulfiller over a communication link. The task server is distributing the defined tasks to the task fulfillers for completing the assigned tasks. Olapurath does not teach sending the task unit indicator information read out from the storing means, and the updated task unit indicator information sent back from the work performing element, to each of the work performing elements; and each of the work performing elements comprises: task unit storing means for storing one or more task units; determining whether or not it is possible to execute the task unit that is to be executed next, on the basis of said task unit indicator information; and sending said notification for executability to said information processing device if said task unit is determined to be executable.

Hirobumi (Japanese Patent No. 2000-099109) discloses a production process managing device that can reduce the change amount of processing caused by the addition or change of kind of article and the change of activation interlock for enhancing the accuracy of process start managing processing. Hirobumi does not teach sending the task unit indicator information read out from the storing means, and the updated task unit indicator information sent back from the

work performing element, to each of the work performing elements; and each of the work performing elements comprises: task unit storing means for storing one or more task units; and sending said notification for executability to said information processing device if said task unit is determined to be executable.

And Miller (U.S. Patent No. 6,101,481) discloses a task management system for managing a plurality of tasks to be carried out by a plurality of personnel, each of the tasks having identified task details. A task controller is being allocated with sole responsibility for each task. Miller does not teach each of the work performing elements comprises: task unit storing means for storing one or more task units; determining whether or not it is possible to execute the task unit that is to be executed next, on the basis of said task unit indicator information; and sending said notification for executability to said information processing device if said task unit is determined to be executable.

None of these references taken either alone or in combination discloses a device for performing work and for commanding tasks having all the claimed features of applicant's instant invention, specifically including: sending the task unit indicator information read out from the storing means, and the updated task unit indicator information sent back from the work performing element, to each of the work performing elements; and each of the work performing elements comprises: task unit storing means for storing one or more task units; determining whether or not it is possible to execute the task unit that is to be executed next, on the basis of said task unit indicator information; and sending said notification for executability to said information processing device if said task unit is determined to be executable. Also, there is no motivation to combine the references to meet these limitations.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (571) 272-3689, Monday - Thursday from 6:30 AM - 5:00 PM EST or contact Supervisor *Mr. Anthony Knight* at (571) 272-3687.

Any response to this office action should be mailed to: **Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450**. Responses may also be faxed to the **official fax number (571) 273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Thomas Pham**  
*Patent Examiner*



October 3, 2005